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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ADAM BOSWORTH, DAVID BAU, III,
and KENNETH ERIC VASILIK

Appeal 2011-005118
Application 09/741,219
Technology Center 2100

Before DEBRA K. STEPHENS, KALYAN K. DESHPANDE, and
LARRY J. HUME, *Administrative Patent Judges*.

HUME, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134(a) of the rejection
of claims 1, 5-11 and 15-21. We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.

STATEMENT OF THE CASE ¹

The Invention

“The present invention relates to the field of data processing. More specifically, the present invention relates data processing specification and execution.” Spec. p.1, ll. 13-15 (“Field of the Invention”).

In accordance with the present invention, a data processing program is specified by way of a specification having a number of cell specifications specifying a number of data processing cells, with each data processing cell having a formula specifying an action or a computation. A cell may have one or more attributes referencing other cells. A cell formula may also reference a value of another cell or be executed conditionally.

Spec. p. 2, ll. 17-22 (“Summary of the Invention”).

Exemplary Claim

Exemplary independent claim 1 under appeal reads as follows (*emphasis* added to disputed limitation):

1. A computer-implemented method of cell-based data processing that facilitates the execution of computer programming code by a computer system, the method comprising:

receiving as input computer code ***a data processing specification comprising a plurality of cells, wherein each cell comprises a formula specifying an action or computation to perform when the cell is executed, and one or more attributes***

¹ Throughout this Decision, we refer to the Appeal Brief (App. Br.) filed Aug. 27, 2010, the Reply Brief (Reply) filed Nov. 29, 2010, the originally-filed Specification (Spec.) filed Dec. 19, 2000, the Final Rejection mailed Jul. 13, 2010, and the Examiner’s Answer (Ans.) mailed Nov. 12, 2010.

referencing other cells, wherein the formula of a first cell may reference a value of a second cell;

wherein each cell is delineated by a beginning and ending tag, and one of the cells is reserved as an output cell for outputting a result of the processing;

parsing the specification to determine an interdependency of the plurality of cells and generating and storing a directed graph of the interdependency as an execution flow; and

executing the computer code of the specification in accordance with the execution flow, wherein the executing comprises evaluating the formula of each cell in the execution flow and generating an output result;

wherein each cell is interlocked with at least one other cell through the formula or attribute of each cell.

Prior Art

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

W3C Recommendation, Version 1.0 - 16 November 1999 with ‘XML Path Language (Xpath)’ pp. 1-32 or <http://www.w3.org/TR/1999/REC-xpath-19991116>; and “XSL Transformations (XSLT)” pp. 1-92 (herein “W3C”) or <<http://www.w3.org/TR/xslt>>.

Rejection on Appeal

The Examiner has rejected claims 1, 5-11, and 15-21 under 35 U.S.C § 103(a) as being unpatentable over W3C (Ans. 3-6). Based upon Appellants’ arguments, we select representative claim 1 to decide this appeal for all claims on appeal. (See App. Br. 8-21).

We have only considered the arguments that Appellants raised in the Briefs. Arguments Appellants could have made, but chose not to make in

the Briefs have not been considered and are deemed to be waived. *See* 37 C.F.R. § 41.37(c)(1)(vii)(2009).

ISSUE

35 U.S.C § 103(a): Claims 1, 5-11, and 15-21

Appellants assert that their claimed invention is not obvious over W3C (App. Br. 8-21). Specifically, Appellants state that W3C does not teach or suggest the limitations of independent method claim 1, which requires, *inter alia*, a data processing specification with a number of cells, each of which has a formula specifying an action or computation to perform when the cell is executed, and one or more attributes referencing other cells. (App. Br. 10; Reply Br. 2.). Appellants further contend that none of W3C's source tree, result tree, or stylesheet includes a plurality of cells. (App. Br. 11.)

Still further in this regard, Appellants contend that W3C describes a source tree as an object that includes nodes where each node includes data elements, but does not include a formula specifying an action or computation to perform when the cell is executed, and does not include one or more attributes referencing other cells. (App. Br. 12.)

Issue: Did the Examiner err in finding that W3C teaches or suggests “a data processing specification comprising a plurality of cells, wherein each cell comprises a formula specifying an action or computation to perform when the cell is executed, and one or more attributes referencing other cells, wherein the formula of a first cell may reference a value of a second cell,” as recited in claim 1?

ANALYSIS

We have reviewed the Examiner's rejections in light of Appellants' arguments that the Examiner has erred.

We agree with at least one aspect of Appellants' contention, *i.e.*, that "W3C . . . describes a source tree as an object that includes nodes" but "does not include a formula specifying an action or computation to perform . . . *and* . . . one or more attributes referencing other cells." (Reply Br. 4 (*emphasis* added)).

Specifically, we find that the Examiner has not made a *prima facie* case for unpatentability as the Examiner has failed to clearly identify where the art of record teaches or suggests a data processing specification containing a plurality of cells including, *inter alia*, one or more attributes referencing other cells. For example, while we find that W3C appears to teach templates or stylesheets using various formulae therein, it is unclear from the record before us that W3C teaches or suggests that each cell also includes one or more attributes referencing other cells, as variously recited in the claims on appeal.

Since this issue is dispositive as to the rejection of the claims on appeal, we need not reach the remaining arguments raised by Appellants. We therefore do not sustain the Examiner's rejection of claims 1, 5-11, and 15-21. Accordingly, we reverse the Examiner's rejection of claims 1, 5-11, and 15-21.

DECISION

The decision of the Examiner to reject claims 1, 5-11, and 15-21 under 35 U.S.C. § 103(a) as being obvious over W3C is reversed.

REVERSED

msc